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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,584	08/09/2001	Christopher Harry Austen	AUS920010565US1	2968

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EXAMINER

SURYAWANSHI, SURESH

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,584

Applicant(s)

AUSTEN ET AL.

Examiner

Suresh K Suryawanshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/15/04 amendments.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/28/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moayyad et al (US Patent no 6,690,400 B1¹) in view of Bouchier et al (US Patent no 6,725,317 B1).

4. As per claims 1, 9 and 17, Moayyad et al teach

storing a plurality of different firmware images in said computer system [Fig. 1; different OS version; col. 1, lines 31-34; multiple operating systems; col. 2, lines 18-23; one or more operating systems]; and

rebooting one of said plurality of partitions utilizing one of said plurality of firmware images without rebooting other ones of said plurality of partitions [col. 5, lines 9-17, 24-35; col. 7, lines 33-55; a cabinet can be booted without rebooting other one; Fig. 1; Boot Now].

Moayyad et al do not expressly disclose that each partition having a separate firmware for execution prior to the execution of an operating system. But it is well known in the art that for purpose of booting a partition properly, a proper firmware is required prior to the execution of an operating system on the partition. However, Bouchier et al clearly disclose that each partition runs with its own copy of firmware and operating system [Fig. 1; col. 2, lines 6-8, 28-31; col. 4, lines 62-63; col. 5, lines 14-20]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed to the system having a plurality of partitions. Moreover, a routineer will provide a separate firmware for a separate partition because not necessarily two partitions may have same configuration as clearly disclosed by Bouchier et al that different partition may have different number of cells and resources [Fig. 1].

5. As per claims 2, 10 and 18, Moayyad et al teach the step of selecting said one of said plurality of firmware images to use to reboot said one of said plurality of partitions [col. 5, lines 24-35; col. 8, lines 30-35; col. 7, lines 41-55; a cabinet is configured by selecting a partition and selecting a operating system to boot with].

6. As per claims 3, 11 and 19, Moayyad et al teach the step of associating a different, unique firmware image identifier with each of said plurality of firmware images [Fig. 1; different OS version; col. 1, lines 31-34; multiple operating systems; col. 2, lines 18-23; one or more operating systems; inherent to the system as having a number of operating systems].

7. As per claims 4, 12 and 20, Moayyad et al teach

associating a different, unique firmware image identifier with each of said plurality of firmware images [Fig. 1; different OS version; col. 1, lines 31-34; multiple operating systems; col. 2, lines 18-23; one or more operating systems; inherent to the system as having a number of operating systems];

associating a different partition table with each one of said plurality of partitions [col. 8, lines 7-12; inherent to the system];

providing an indicator within each said different partition table, said indicator indicating whether one of said plurality of partitions that is associated with said partition table needs to be rebooted [col. 3, lines 7-12; marked as bootable]; and

providing an identifier within each said different partition table, said identifier identifying one of said plurality of firmware images [Fig. 9; col. 5, lines 24-35; col. 8, lines 30-35; col. 7, lines 41-55; a cabinet is configured by selecting a partition and selecting a operating system to boot with].

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8. As per claims 5, 13 and 21, Moayyad et al teach

 routinely checking each said partition table to determine whether said indicator included within each said partition table indicates that one of said plurality of partitions associated with each said partition table is to be rebooted [col. 3, lines 7-12; partition is marked as bootable; col. 7, lines 33-34; an operating system will boot up automatically];

 in response to a determination that an indicator indicates that one of said plurality of partitions needs to be rebooted, rebooting said one of said plurality of partitions having said indicator that indicates said need to be rebooted [col. 3, lines 7-12; partition is marked as bootable; col. 7, lines 33-34; an operating system will boot up automatically].

9. As per claims 6, 14 and 22 Moayyad et al teach

 retrieving an identifier from said partition table that includes said indicator that indicates said need to be rebooted, said identifier one of said plurality of firmware images [col. 3, lines 7-12; partition is marked as bootable; col. 7, lines 33-34; an operating system will boot up automatically]; and

 rebooting only said one of said plurality of partitions that includes said indicator that indicates said need to be rebooted utilizing said identifier retrieved from said partition table associated with said one of said plurality of partitions [col. 5, lines 9-17, 24-35; col. 7, lines 33-55; a cabinet can be booted without rebooting other one; Fig. 1; Boot Now].

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10. As per claims 7, 15 and 23, Moayyad et al teach

providing a listing of said plurality of partitions [col. 3, lines 1-12; list of partitions];

providing a listing of said plurality of different firmware images; receiving a selection of one of said plurality of partitions that is to be rebooted [col. 4, line 10; boot option]; and

receiving a selection of one of said plurality of firmware images to use to reboot said selected one of said plurality of partitions [col. 3, lines 10-12; col. 5, lines 9-16].

11. As per claims 8, 16 and 24, Moayyad et al teach

setting an indicator in a partition table associated with said selected one of said plurality of partitions, said indicator indicating that said one of said plurality of partitions has been selected to be rebooted [col. 3, lines 7-12; marked as bootable]; and

storing an identification of said selected one of said plurality of firmware images in said partition table associated with said selected one of said plurality of partitions [col. 5, lines 24-35; col. 8, lines 30-35; col. 7, lines 41-55; a cabinet is configured by selecting a partition and selecting a operating system to boot with].

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Response to Arguments

12. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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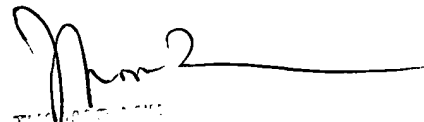
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sks

November 9, 2004



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SUPERVISOR, EXAMINER IN CHARGE
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NOV 10 2004